

**AN ORDINANCE
BY PUBLIC SAFETY AND LEGAL ADMINISTRATION COMMITTEE**

AN ORDINANCE TO AMEND CHAPTER 162, ARTICLE II, DIVISION 2, SECTION 162-61(d) OF THE CODE OF ORDINANCES OF THE CITY OF ATLANTA, GEORGIA, SO AS TO AUTHORIZE THE SALE OF VEHICLE FOR HIRE CPNCs BY THE CITY OF ATLANTA IN ACCORDANCE WITH THE PROVISIONS OF THE PROCUREMENT AND REAL ESTATE CODE; TO REPEAL CONFLICTING ORDINANCES; AND FOR OTHER PURPOSES

WHEREAS, the City of Atlanta has an interest in maintaining the public health, safety and welfare; and

WHEREAS, pursuant to its police powers the City of Atlanta is authorized to enact legislation to regulate certain types of businesses and industries which could potentially affect the public health, safety and welfare, including businesses which concern Vehicles for Hire.

WHEREAS, the Georgia General Assembly has declared that the City of Atlanta has legitimate concern with the qualifications and record of drivers of taxicabs and other vehicles for hire; with the location, accessibility, and insured state of companies operating taxicabs and vehicles for hire; and with the safety and comfort of taxicabs and other vehicles for hire. O.C.G.A. §36-60-25(a); and

WHEREAS, pursuant to Chapter 162, Article II, Division 1, Section 162-26 of the Atlanta Code of Ordinances, a Certificate of Public Necessity and Convenience ("CPNC") means a license permitting a person to operate one vehicle for hire upon the streets of the city; and

WHEREAS, the City of Atlanta may require the owner or operator of a taxicab or vehicle for hire to obtain a CPNC in order to operate such taxicab or vehicle for hire within the corporate limits of the City of Atlanta O.C.G.A. §30-60-25(a); and

WHEREAS, each CPNC issued by the City of Atlanta is fully transferable pursuant to purchase, gift, bequest, or acquisition of the stocks or assets of a corporation to any person otherwise meeting the requirements of Atlanta City Code Chapter 162 et seq., and each such CPNC may be used as collateral to secure a loan with each lending institution making such loan retaining all rights of the secured parties with respect to such loan; and

WHEREAS, pursuant to the provisions contained in Chapter 162 of the City of Atlanta Code of Ordinances, the City of Atlanta may occasionally acquire CPNCs; and

WHEREAS, Section 162-61 (d) provides that the market value of any type of CPNC will be determined on January 1 of each year, that any CPNC sold by the Bureau of Taxicabs and Vehicles for Hire will be sold at market value during that year, and that no sedan or taxicab CPNC shall be sold for less than \$6,000.00 and no carriage CPNC shall be sold for less than \$600.00; and

WHEREAS, Chapter 2, Article X, Division 8, Section 2-1326 of the Atlanta Code of Ordinances defines surplus supplies as any supplies, other than expendable supplies, no longer having any use to the city; and

WHEREAS, Section 2-1332 sets forth that the chief procurement officer shall dispose of any supplies owned by the city, upon the recommendation of and after consultation with the using agency; and that surplus supplies that have an estimated value in excess of \$500.00 shall be offered through competitive sealed bids and public auction; and

WHEREAS, CPNCs acquired by the City of Atlanta are properly classified as surplus supplies having an estimated value in excess of \$500.00; which should therefore be disposed of by the chief procurement officer through competitive sealed bids and public auction in accordance with Section 2-1332; and

WHEREAS, currently, there is a conflict between the language of 162-61(d) and that of 2-1332; and

WHEREAS, the City of Atlanta has an interest in ensuring the consistency of the various provisions of the Atlanta Code of Ordinances.

IT IS HEREBY ORDAINED BY THE COUNCIL OF THE CITY OF ATLANTA, GEORGIA, as follows:

Section 1: That the language within Chapter 162, Article II, Division 2, Section 162-61 (d), of the City of Atlanta Code of Ordinances which reads:

(d) The market valued of any type of CPNC will be determined on January 1 of each year and any CPNC sold by the bureau will be sold at market value during that year. No sedan or taxicab CPNC shall be sold for less than \$6,000.00. No carriage CPNC shall be sold for less than \$600.00.

.....be deleted and replaced with the following language:

(d) The market valued of any type of CPNC will be determined on January 1 of each year. Any CPNC sold by the City of Atlanta will be sold in accordance with Chapter 2, Article X of the Atlanta Code of Ordinances; and shall be sold for no less than market value during that year.

Section 2: Should it be found that any ordinance or parts of any ordinance are in conflict herewith, then those sections contained herein shall be deemed controlling.